

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ANTHONY BAILEY,
Plaintiff,

v.

CITY OF NORTH LAS VEGAS POLICE
DEPARTMENT, OFFICER SAMUEL
ENRIQUEZ, OFFICER KENNETH
WINFIELD, and STATE OF NEVADA,

Defendants.

2:10-CV-01398-PMP-LRL

ORDER


On January 18, 2011, the Court ordered that Plaintiff Anthony Bailey had until February 17, 2011, to show that service properly had been effected on Defendant State of Nevada. Plaintiff has made no such showing. Merely mailing a copy of the Complaint to Nevada's Secretary of State is insufficient. See Fed. R. Civ. P. 4(j)(2); Nev. Rev. Stat. § 41.031(2)(a)-(b). The Court therefore will dismiss Defendant State of Nevada without prejudice.

However, the Court will reconsider its prior Order (Doc. #41) granting judgment on the pleadings in favor of Defendant Officers Winfield and Enriquez. The motion for judgment on the pleadings argued only that City of North Las Vegas Police Department was not a separate legal entity capable of being sued. The motion made no argument as to why Defendants Winfield and Enriquez were entitled to judgment on the pleadings. The Court therefore will reinstate Defendants Winfield and Enriquez in this action. The Clerk's

1 Judgment (Doc. #42) is hereby vacated as to Defendants Winfield and Enriquez.

2 **IT IS SO ORDERED.**

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4 DATED: March 14, 2011

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7 PHILIP M. PRO
8 United States District Judge
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